

		FMA 401-1
Department of Public Health and Human Services	Section:	RESOURCES
	Subject:	Ownership/Accessibility/Equity Value
FAMILY RELATED MEDICAID		

Supersedes: FMA 401-1, 7/01/03

References: ARM 37.82.101; 42 CFR 435.601

GENERAL RULE--A resource is real or personal property that has economic value. Resources can include, but are not limited to cash, savings, investments, house, land, vehicles, etc. The filing unit's resources are evaluated for ownership, accessibility, and equity value. All resources are countable unless specifically excluded by regulation.

LIQUID AND NON-LIQUID RESOURCES

Liquid resources are cash and other resources which can be readily converted to cash.

Non-liquid resources are resources which cannot reasonably be immediately converted into cash. The term may be applied to any type of resource.

A resource which has been determined to be non-liquid for any reason is not considered inaccessible or excluded simply because the value of the asset cannot be accessed in the benefit month.

► RESOURCE OWNERSHIP & EXCLUSIONS

Property held in trust or owned by a corporation is not the directly-owned property of an individual with an interest in the corporation or trust. No resource exclusions can be applied to either trust or corporate property, regardless of whether the individual legal or equitable owner of the interest in the corporation or trust is a trust beneficiary or corporate shareholder. See FMA 402-3 – Trust Funds

► **NOTE:** When an individual owns an interest in a corporation, they own corporate stock. They do not own the actual property held by the corporation, but the stock they own in the corporation will have a value.

OWNERSHIP

Ownership of a resource is determined by the:

1. Name(s) on the account, title, deed, contract, etc.,
2. Source of the funds in the account,
3. Purpose for which the account/investment was opened, and
4. Activity of the account/investment.

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JOINTLY-OWNED RESOURCES

If the title, deed, contract, account, etc., has only one name listed, the resource belongs to that individual. If more than one name is listed, it is considered a jointly-owned resource. Once determined as jointly-owned, the resource's accessibility must be evaluated. Resources owned jointly with someone outside the household must be evaluated to determine accessibility to the household.

NOTE: Always code resources owned jointly with someone outside the home or with a filing unit member whose participation code is "DP" against the "IN" participant. This assures the resources are counted correctly.

Consider 100% of the resource as available to the household, **unless** the:

1. Household can demonstrate it only has access to a portion of the resources; (count the value of the available portion); or
2. Resource cannot be practically subdivided and the household's access to the resource is dependent on the agreement of a joint owner who refuses to comply.

For jointly-owned vehicles, see FMA 403-1.

ACCESSIBILITY

Resources other than vehicles are considered accessible when:

1. The applicant/recipient has possession of the resource as the owner or joint-owner, or
2. The individual has a legal interest in the resource and has the legal ability to make the value of the resource available.

DISPUTED ACCESSIBILITY

If the resource is jointly-owned or the individual rebuts ownership and/or accessibility, an investigation of accessibility must occur. Verification of ownership and/or accessibility is required. The verification shall be bank statements, agreements, deeds, titles, or other collateral statements. The applicant's/recipient's statement alone is not sufficient verification. Document the circumstances and the action taken in system case notes.

INACCESSIBLE RESOURCES

When legal action has been imposed preventing access to the resource or the joint-owner refuses to dispose of the resource, the resource is considered inaccessible to the applicant/recipient.

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EXAMPLES - Accessible/Inaccessible Resources:

1. Beth has access to her mother's savings account; both names appear on the account title (jointly-owned). Her mother does not live with her. Beth claims she has never deposited any of her own money in the account nor has she used the monies for her own benefit. Collateral evidence (bank statements, etc.) substantiates her claim.

ACTION: Consider the account inaccessible. Enter the account information on the appropriate resource page. Document system case notes. Set an alert to review the account's activity in three (3) months.

2. Mary owns a house with her estranged husband (jointly-owned resource; both names on the deed). She is not living in the house; he is.

ACTION: Determine if legal separation or divorce proceedings have been initiated. If not, the house is a countable resource and its value is accessible to Mary. If legal proceedings have begun, consider the house as an inaccessible resource to Mary. Set an alert to ask for final decree. Re-evaluate accessibility based on the divorce/separation decree.

NOTE: If no legal proceedings have begun, a written statement from her spouse can also be used to determine if the resource is inaccessible.

3. Sandy owns land (real property) with her brother. She does not live on the land.

ACTION: The value of the land is accessible. Enter information the appropriate resource page. If Sandy's brother provides a written statement that he is unwilling to sell, the land is considered inaccessible to Sandy.

EQUITY VALUE

To determine equity value, subtract the amount owed from the fair market value. Only the equity value of an accessible resource is counted toward the resource limitation, and this is the amount entered in the system. The full value is only entered when all liens or debts against the resource have been paid in full.

Section: RESOURCES

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Value**TREATMENT
OF EXCLUDED
RESOURCES**

Excluded funds kept in a separate account retain the resource exclusion as long as they remain in a separate account.

**COMMINGLING
OF EXCLUDED &
NON-EXCLUDED
FUNDS**

If excluded and non-excluded resources are commingled (mixed) in the same account, the specific sources of the funds must be identified in order to determine if the excluded funds continue to be excluded once commingled. If excluded funds may continue to be excluded, there must be clear records (either of the financial institution or owner) identifying and tracing the different sources. If excluded funds continue to be excluded, consider any withdrawals from the account to be from the non-excluded funds first, and from the excluded funds only after the non-excluded funds have been exhausted.

**FUNDS
PRORATED
AS INCOME**

Funds which have been prorated as income retain their resource exclusion for the period of time they have been prorated as income (even if the funds have been commingled). A system alert should be set.

EXAMPLE: Farmer sells his crops in August for \$12,000. The proceeds are intended to support his family for a year. Prorate the \$12,000 as income, \$1,000 per month. The \$12,000 (even if commingled) is excluded as a resource for the one year period.

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